

MAINE STATE LEGISLATURE

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L.D. 1521

(Filing No. S- 293)

**STATE OF MAINE
SENATE
114TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT " A" to S.P. 550, L.D. 1521, Bill, "An Act to Clarify the Definition of Seasonal Workers under the Workers' Compensation Law"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'39 MRSA §2, sub-§2, ¶B-1, as enacted by PL 1987, c. 559, Pt. B, §14, is amended to read:

B-1. Notwithstanding paragraphs A and B, the average weekly wage of a seasonal worker shall be determined by dividing the employee's total wages, earnings or salary for the prior calendar year by 52. For the purposes of this paragraph, the term "seasonal worker" does not include any employee who is customarily employed, full time or part time, for more than 26 weeks in a calendar year. The employee need not be employed by the same employer during this period to fall within this exclusion.'

STATEMENT OF FACT

The amendment completely replaces the bill and clarifies the definition of "seasonal worker" by excluding any person who customarily works for more than 26 weeks of a calendar year. The employee may work for several different employers during this time, such as a construction worker, and still be excluded under the exception. An employee who does not fall within this exception is presumptively a "seasonal worker." This presumption may be overturned under the Maine Revised Statutes, Title 39, section 2, subsection 2, paragraph C, which ensures that injustice will not occur if application of the "seasonal worker" provisions would result in an inappropriate average weekly wage for an injured employee, considering all the relevant circumstances of the case.